

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLARITYMASK INC. and COLLEEN ELIZABETH
REIN,

Plaintiff,

-v-

THE INDIVIDUALS, PARTNERSHIPS, AND
UNINCORPORATED ASSOCIATIONS IDENTIFIED
ON SCHEDULE A,

Defendant.

23-cv-8877 (LJL)

PRELIMINARY
INJUNCTION ORDER

LEWIS J. LIMAN, United States District Judge:

Based on the findings of fact and conclusions of law stated orally at the hearing on August 5, 2024, Plaintiffs' motion for a preliminary injunction against Pro Products and More is hereby GRANTED IN PART AND DENIED IN PART, and IT IS HEREBY ORDERED as follows:

Preliminary Injunction

A. Defendant Pro Products and More is enjoined and restrained from engaging in any of the following acts or omissions pending the determination of this action, or until further order of the Court:

1. Using the CLARITYMASK Trademark or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any counterfeit products in commerce of the United States of America;
2. In the United States, passing off, inducing, or enabling others to sell or pass off any

product as a genuine CLARITYMASK Product that is not, in fact, Plaintiffs' CLARITYMASK Product and/or not produced under the authorization, control, or supervision of Plaintiffs and approved by Plaintiffs for sale under the CLARITYMASK Trademark;

3. In the United States, committing any acts calculated to cause consumers to believe that Defendants' counterfeit products are those sold under the authorization, control, or supervision of Plaintiffs, or are sponsored by, approved by, or otherwise connected with Plaintiffs;
4. Further infringing the CLARITYMASK Trademark and damaging Plaintiffs' goodwill; and
5. In the United States, shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiffs, nor authorized by Plaintiffs to be sold or offered for sale, and which bear(s) the CLARITYMASK Trademark or any reproductions, counterfeit copies, or colorable imitations thereof.

Temporary Asset Restraint

The Temporary Asset Restraint set forth in the Temporary Restraining Order in this action shall hereby, effectively immediately, remain in effect under this Preliminary Injunction, except that the funds frozen in the Amazon seller account associated with Defendant Pro Products and More shall be limited to no more than \$44,672.38.

Security Bond

The five thousand dollars (\$5,000) bond posted by Plaintiffs shall remain with Court until a final

disposition of this case or until this Preliminary Injunction terminates.

SO ORDERED.

Dated: August 9, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written above a horizontal line.

LEWIS J. LIMAN
United States District Judge